

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

JAN 6 2006

OFFICE OF
MANAGING DIRECTOR

Lee G. Petro, Esq.
Fletcher, Heald & Hildreth, P.L.C.
11th Floor, 1300 North 17th Street
Arlington, VA 22209-3801

Re: Hawaii Pacific Teleport, LP
Earth Station E020004
FY 2005 Regulatory Fee
Fee Control No. 0509028835884428

Dear Mr. Petro:

This is in response to your request dated September 13, 2005 (*Letter*), filed on behalf of Hawaii Pacific Teleport, LP (Hawaii Pacific), for a refund of the fiscal year (FY) 2005 regulatory fee associated with earth station E020004. Our records reflect that the \$205.00 FY 2005 regulatory fee associated with earth station E020004 has been paid. For the reasons stated herein, we grant your request.

In your request, you state that the FY 2005 "regulatory fee for earth station E020004 was not owed because the station was not licensed as of October 1, 2004."¹ You assert that "[w]hile the [s]tation was granted Special Temporary Authority [STA] on October 4, 2002, that Authority was dismissed on September 26, 2003 and its pending [l]icense [a]pplication was dismissed."²

Our records confirm that Hawaii Pacific's request for extension of the STA for earth station E020004 was dismissed on September 26, 2003, thus rendering the underlying STA moot, and that its license application for the station was dismissed on December 10, 2002.³ Hawaii Pacific held neither a license nor a permit for earth station E020004 on October 1, 2004, and is therefore not responsible for a FY 2005 regulatory fee associated with that call sign. See *Assessment and Collection of Regulatory Fees for Fiscal Year 2005, Assessment and Collection of Regulatory Fees for Fiscal Year 2004, Report and Order and Order on Reconsideration*, 2005 WL 1585408 ¶ 46 (2005). We therefore grant your request for a refund of the FY 2005 regulatory fee for earth station E020004.

¹ See *Letter* at 1.

² See *id.*

³ Hawaii Pacific refiled its application under new call sign E030087, for which it paid a FY 2005 regulatory fee.

A check made payable to the maker of the original check, and drawn in the amount of \$205.00, will be sent at the earliest practicable time.⁴ If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger
Chief Financial Officer

⁴ Pursuant to your request – *Letter* at 1 – we will send payment to Vince Waterson, Hawaii Pacific Teleport, LP, 91-340 Farrington Highway, Kapolei, HI 96707.

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September 13, 2005

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WRITERS DIRECT

0509028835884428

VIA HAND DELIVERY

Federal Communications Commission
Office of the Managing Director
445 12th Street, S.W.
Room 1-A625
Washington, DC 20554

Re: Refund Request for 2005 Regulatory Fee for Earth Station E020004
Hawaii Pacific Teleport, LP
FRN 0006-7743-84

Dear Sir or Madam:

On behalf of Hawaii Pacific Teleport, LP, licensee of earth station E020004, this is to request of refund of its 2005 regulatory fee in the amount of \$205. The regulatory fee for earth station E020004 was not owed because the station was not licensed as of October 1, 2004. While the Station was granted Special Temporary Authority on October 4, 2002, that Authority was dismissed on September 26, 2003 and its pending License Application was dismissed. Despite the fact that the station was never licensed, the 2005 regulatory fee for earth station E020004 was paid using the FCC's fee filer system under payment voucher number E000776966 (attached).

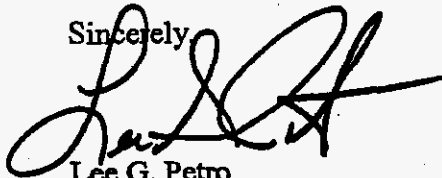
Accordingly, we respectfully request a refund of the 2005 regulatory fee payment in the amount of \$205 for earth station E020004. The Commission should forward the refund payment to:

Mr. Vince Waterson
Hawaii Pacific Teleport, LP
91-340 Farrington Highway
Kapolei, HI 96707

FLETCHER, HEALD & HILDRETH, P.L.C.

Should any questions arise concerning this submission request, please contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to be 'Lee G. Petro', written over a horizontal line.

Lee G. Petro

Counsel for Hawaii Pacific Teleport, LP

Enclosures

AAS/cmw

cc: Roland Helvajian (via email)
Mr. Vince Waterson (w/enclosures)
Frank R. Jazzo, Esq. (w/o enclosures)
Ms. Alicia A. Staples (w/o enclosures)